



US EPA RECORDS CENTER REGION 5



MUELLER BRASS CO.

October 25, 1991

Evette Bryant
U. S. Environmental Protection Agency
230 South Dearborn - 5HSM - Tub - 7
Chicago, Illinois 60604

RE: USS Lead Refinery Inc.

Dear Ms. Bryant,

This letter is in response to the request for information received from Mr. Thomas W. Mateer, acting chief Superfund Management Branch, concerning USS Lead Refinery Inc. (See attached).


A search of our records shows no indication of Mueller Brass Company having ever done business with USS Lead Refinery Inc.

We are attempting to contact Mr. Brett warning of the office of Regional Counsel concerning questions in the attached request, as to whether or not certain information is required, in light of the fact that our records indicate we have never transported or disposed of materials at USS Lead Refinery Inc.

Upon answering of these questions, we will forward what ever documentation is still required for your investigation.

Should you have any questions, please feel free to contact us.

Sincerely,


Barry G. Munce
Technical & Environmental Mgr.
MUELLER BRASS CO.
2199 Lapeer Ave.
Port Huron, MI 48060
(313) 987-7770 Ext. 402

RECEIVED
OCT 30 1991

**TECHNICAL SUPPORT
SECTION**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

SEP. 23 1991

5HSM-TUB-7

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mueller Brass Co.
1927 Lapeer Ave.
Port Huron, MI 48060

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA, for the USS Lead Refinery, Inc. Site, East Chicago, Indiana, hereinafter referred to as "the Site."

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants at the USS Lead Refinery Inc. Site, located at 5300 Kennedy Ave., East Chicago, Indiana. This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also investigating the ability of persons connected with the Site to pay for or perform a clean-up of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), as amended by the Superfund Amendment and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA under which U.S. EPA may seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued noncompliance, and/or

pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001.

U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to the following:

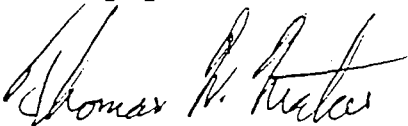
Evette Bryant
U.S. Environmental Protection Agency
230 South Dearborn - 5HSM-TUB-7
Chicago, Illinois 60604
312-353-5655

If you have any legal questions, please direct such questions to Brett Warning of the Office of Regional Counsel at (312) 886-6733. If you have any technical questions, please direct such questions to Fredrick A. Micke, Project Manager, at (312) 886-5123.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above. To ensure expeditious treatment of your response, please send it to the above address.

Thank you for your cooperation in this matter.

Sincerely yours,



Thomas W. Mateer, Acting Chief
Superfund Program Management Branch

Enclosure

bcc: Beth Henning, ORC (with attachments)
Brett Warning, ORC (w/attachments)

FIRST SET OF INFORMATION REQUESTS

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or handling practices of the Respondent between 1906 and 1985.

8. To the extent that any information you provided relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
9. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
10. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part of all of the information requested, in the manner described by 40 C.F.R. Section 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 *et seq.* (December 18, 1985).] If no such claim accompanies the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

3. "The Site" or "the Facility" shall mean and include the property that is on or about the former operations of USS Lead Refinery Inc., located at 5300 Kennedy Ave. in the City of East Chicago, Indiana.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.
6. The terms "furnish," "describe," or "identify" or "indicate" shall mean turning over to the U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control, then indicate where such information or documents may be obtained.
7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.
10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).
11. "Transaction" means every separate act, deal, instance, or occurrence.

12. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disc, or disc pack; and any type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc 3 pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
13. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.
14. The term "property interest" means any interest in property, including, without limitation, any ownership interest, any interest in the rental of property, and interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary or a trust that owns or rents, or owned or rented property.
15. The term "asset" as used herein, includes without limitation the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interests in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to an Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
4. List the U.S. EPA Identification numbers of the Respondent.
5. Identify all persons, including you, who may have:
 - a. disposed of or treated materials at the Site;
 - b. arranged for the disposal or treatment of materials at the Site;
 - c. arranged for the transportation of materials to the Site (either directly or through transshipment points) for disposal or treatment. Such persons will hereinafter be referred to as "generators"; or,
 - d. knowledge or information about the generation transportation, treatment, disposal or other handling of hazardous substances you contractors, or by prior owners and/or operators.
6. For each and every instance in which a generator performed any of the actions specified in parts a. - c. of the previous question:
 - a. identify the generator;
 - b. identify the persons who may have directly or indirectly transported or otherwise brought any materials, including municipal solid waste, to the Site;

- c. identify all persons who may have directly or indirectly transported or otherwise brought any materials, including municipal solid waste, to the Site;
- d. describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement;
- e. state whether any of the hazardous materials identified in subpart e. above exhibit any of the characteristics of a hazardous waste identified in 40 CFR Section 261 Subpart C;
- f. state whether any of the hazardous materials identified in subpart e. are listed in 40 CFR Section 261 Subpart D;
- g. state whether any hazardous substances at the Site are RCRA hazardous wastes;
- h. in general terms, describe the nature and quantity of the non-hazardous materials involved in each such arrangement;
- i. describe the nature and quantity of any municipal solid waste involved in any such arrangement;
- j. identify the owner of the hazardous materials involved in each such arrangement;
- k. describe all tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;
- l. describe as precisely as possible any and all of the locations at which each hazardous material involved in such transactions actually was disposed or treated;
- m. identify the person who selected the location to which the hazardous materials were to be disposed or treated;
- n. identify who selected the Site as the location at which hazardous materials were to be disposed or treated;

- o. state the amount paid in connection with each such arrangement, the method of payment, and the identity of the person involved in each arrangement;
 - p. describe where the persons identified in Subparts l. and m. of this question intended to have the hazardous materials involved in each arrangement treated or disposed and all documents or other information (written or oral) evidencing their intent;
 - q. describe all intermediate Sites to which the hazardous materials involved in each arrangement were trans-shipped, or at which they were stored or held, any time prior to final treatment or disposal;
 - r. describe what was done to the hazardous materials once they were brought to the Site;
 - s. describe the final disposition of each of the hazardous materials involved in each arrangement;
 - t. describe the measures taken by the generator to determine how and where treatment or disposal of the hazardous materials involved in each arrangement would actually take place;
 - u. describe type, condition and number of containers in which the hazardous materials were contained when they were disposed, treated, or transported for disposal or treatment and describe any labels, numbers or other markings on the containers;
 - v. identify every date on which waste materials were so accepted or transported.
- 7. Describe the nature of your business that produced hazardous or non-hazardous substances to be disposed of at the Site; (ie, electroplating, solvents used...).
 - 8. Provide copies of all contracts, shipping documents or other business documents including receipts relating to the transportation, storage and/or disposal of waste materials at the above referenced Site.
 - 9. Identify all liability insurance policies held by Respondent from 1906 to 1985. In identifying such policies, state the name and address of each insurer and

of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

10. Identify all of Respondent's current assets and liabilities and the person(s) who currently own or are responsible for such assets and liabilities.
11. Identify all subsidiaries and parent corporations of Respondent.
12. Identify the managers and majority shareholders of Respondent and the nature of their management duties or amount of shares held, respectively.
13. Identify the form of business organization of Respondent.

a) If a Corporation:

- (i) provide a copy of the Articles of Incorporation and By-Laws of the Respondent; and,
- (ii) provide copies of financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service.

b) If a Partnership:

- (i) provide copies of the partnership agreement;
- (ii) provide copies of financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service; and
- (iii) identify all partners comprising Respondent partnership, the nature of their partnership interests, and the nature of their management duties.

c) If a Trust:

- (i) provide all relevant documents and agreements relating to such Trust; and,
 - (ii) provide copies of financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service.
- 14. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.
- 15. Identify all leaks, spills or releases of any kind into the environment of any hazardous substances, pollutants or contaminants that have occurred at or from the Site. In addition, identify:
 - a. when such releases occurred;
 - b. how the release occurred;
 - c. the amount of each hazardous substance, pollutant, or contaminant so released;
 - d. where such releases occurred;
 - e. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
 - f. any and all investigations of the circumstances, nature, extent or location of each release or threatened release including the results of any soil, water (ground and surface), or air testing undertaken; and
 - g. all persons with information relating to these releases.
- 16. Did any leaks, spills or releases of hazardous materials occur on the Site when such materials were being:
 - a. delivered by a vendor;
 - b. stored (e.g., in any tanks, drums, or barrels);

c. transported or transferred (e.g., to or from any tanks, drums, barrels or recovery units); or

d. treated?

17. Has soil ever been excavated or removed from the Site?

Unless the answer to the preceding question is anything besides an unequivocal "no," identify:

- a. amount of soil excavated;
- b. location of excavation;
- c. manner and place of disposal and/or storage of excavated soil;
- d. dates of soil excavation;
- e. identity of persons who excavated or removed the soil;
- f. reason for soil excavation;
- g. whether the excavation or removed soil contained hazardous materials and why the soil contained such materials;
- h. all analyses or tests and results of analyses of the soil that was removed from the Site.
- i. all persons, including contractors, with information about (a) through (h) of this Information Request.

18. Provide a list of transporters which Respondent has utilized for transportation for disposal or treatment of waste materials, including hazardous substances, at the USS Lead Site.

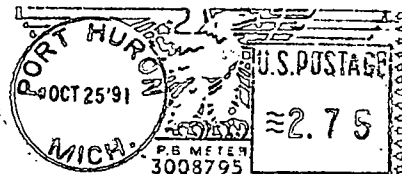
M **MUELLER**
BRASS CO.
PORT HURON, MICHIGAN 48060

Fold at line over top of envelope to the
right of the return address.

CERTIFIED

P 833 726 775

MAIL



U.S. ENVIRONMENT PROTECTION
230 SOUTH DEARBORN 5HSM-TUB-7
CHICAGO, ILLINOIS 60604

ATTN: MS. EVETTE BRYANT